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Sent: 4/25/2017 6:44:08 PM
CC: D'Andrea, Michael [DANDREA.MICHAEL@EPA.GOV]; Hamilton, Brian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bd0a2dfbaeba48d8a8d4cbc1d7039680-Hamilton, Brian]; McGuigan, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c088500566bd4bccbf37b91ed9a8cc3c-Dmccuiga]
BCC: james.golden@deq.virginia.gov; conrad.spangler@dmme.virginia.gov
Subject: Notice of EPA Action

Good day Mr. Golden and Mr. Spangler, please find below an enforcement notification from our program office.

Respondents: Contura Energy, Inc.

Type of Action: Section 308 Information Requirement Letter

Statute: Clean Water Act (CWA)

Location: Contura Energy, Inc. has its headquarters in Bristol, TN, and its affiliates operate both underground and surface coal mining complexes in VA, WV, PA, and WY.

Nature of Action: Section 308 Information Requirement Letter

State Consultation and Involvement: EPA discussed the need to permit unpermitted valley fill discharges with VA DMME on 11/16/16 and with DEQ on 1/23/17. VA DMME was unclear whether such discharges should be permitted by VA DMME or by DEQ. DEQ planned to talk to VA DMME to discuss these discharges and how to permit them between the two agencies. These discussions between DEQ and VA DMME have not taken place to date.

Anticipated public implications of this action: None expected. This action is not a formal enforcement action and involves collecting information from Contura Energy in order to determine whether or not the company has unpermitted discharges that are in violation of the Clean Water Act.

Comments/Background: Contura Energy, Inc. has its headquarters in Bristol, TN, and its affiliates operate both underground and surface coal mining complexes in VA, WV, PA, and WY. The focus of this action is Contura Energy, Inc.'s affiliate, Paramount Contura, which has at least 17 coal mining permits in Virginia. The Virginia Department of Mines, Minerals, and Energy (VA DMME) has identified Paramount Contura as having unpermitted valley fill discharges where the ponds have been removed and NPDES outfalls have been deleted from the permit, but discharges are still occurring. Unpermitted discharges of pollutants are a violation of the Clean Water Act.

Proposed Resolution: Ultimately, EPA believes that Contura Energy needs to obtain and comply with NPDES permits for its valley fill discharges. This 308 Information Requirement will allow EPA to determine the scope of the unpermitted discharges and will provide information to inform the discussions between EPA, DEQ, and DMME.

John A. Armstead
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